

# BEST AVAILABLE COPY

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The Buskop Law Group, PC

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P. 006/008

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## REMARKS

This paper is intended as a full and complete response to the notice of non-compliant amendment dated July 31, 2006, having a shortened statutory period for response set to expire on August 31, 2006.

Reconsideration of the above-identified case is respectfully requested in view of the following remarks.

Claims 21 is withdrawn from the Application as non-elected embodiments.

Claims 1-20 are pending in the Application.

### **I. Election/Restrictions**

The Office Action has restricted the current application to one of the following groups:

- I. Claims 1-20, drawn to an ingestible supplement for treating musculoskeletal disorders, classified in class 514, subclass 62; and
- II. Claim 21, drawn to a method for improving joint mobility by administering an ingestible supplement to a subject, classified in class 514, subclass 62

Applicants hereby elects Claims 1-20 (Group I). Applicants hereby withdraws Claim 21 (Group II) from consideration in this application pursuant to the Examiner's restriction request. Applicants reserve the right to re-file withdrawn claims in another application. Applicant reserves the right to rejoin the withdrawn process claims that include all of the limitations of the product claims.

The withdrawal of the non-elected claim does not affect inventorship.

Attorney Docket: 1190.14  
Serial No.: 10/725,608

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Since Application has elected Claims 1-20, the Office Action states that the Applicant is required under 35 USC 121 to elect species from the groups described in the Office Action.

Applicants hereby elect the following species:

Group 1 (Vitamin): Applicants' embodiments relate to an ingestible supplement usable for treating musculoskeletal conditions that utilizes a multi-vitamin approach. Applicants believe that a single species cannot be elected from this group since the group is directed to vitamins. If the Examiner requires a species selected from the vitamin group, Applicants elect Vitamin B, Vitamin C, and Vitamin E

Group 2 (Protein): Applicants elect whey and soy.

Group 3 (a Fatty Acid): Applicants elect seeds and nuts.

Group 4 (Fiber): Applicants elect oat bran.

Group 5 (Mineral): Applicants believe that a single species cannot be elected from this group since the group is directed to minerals. If the Examiner requires a species selected from the minerals group, Applicants elect selenium and boron.

Group 6 (Digestive Enzyme): Applicants elect a bromelain and pepsin.

Group 7 (Calcium Source): Applicants elect calcium carbonate and calcium citrate.

Applicants reserve the right to have additional species considered if should no prior art be found that anticipates or renders obvious the elected species.

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Applicants appreciate the Examiner's time and patience on this matter. Applicants invite the Examiner to contact the Applicant's attorney noted below in order to discuss this election if need be.

Respectfully submitted,

August 07, 2006

\_\_\_\_\_  
Date

Wendy Buskop  
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